

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OMAR McCLARIN,
Petitioner,

CIVIL ACTION

v.

THOMAS McGINTLY,
THE DISTRICT ATTORNEY OF THE
COUNTY OF KEVIN STEELE, and
THE ATTORNEY GENERAL OF THE
STATE OF JOSH SHAPIRO,
Respondents.

NO. 17-1092

ORDER

AND NOW, this 13th day of October, 2017, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro so* petitioner, Omar McClarin (Document No. 1, filed March 10, 2017), the record in this case, the Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated August 22, 2017, *pro se* petitioner's Objections to the Report and Recommendation with Attached Arguments and Case Law (Document No. 11, filed October 10, 2017, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated August 22, 2017, is **APPROVED** and **ADOPTED** insofar as it recommends dismissal of the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro so* petitioner, Omar McClarin, as untimely filed, and **REJECTED** in all other respects;
2. *Pro se* petitioner's Objections to the Report and Recommendation with Attached Arguments and Case Law are **OVERRULED**;
3. Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro so* petitioner, Omar McClarin, is **DISMISSED** as time barred; and,

4. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/ s Jan E. DuBois
DuBOIS, JAN E., J.